

State's Attorney

MISSION STATEMENT

The State's Attorney is a constitutionally created independent agency. The mission of the Office of the State's Attorney is to serve the public interest through the fair and honest administration of justice by exercising its responsibilities to: prosecute criminal violations in Montgomery County; educate the public with regard to criminal justice issues; provide training to lawyers for future service; address inequality and promote fairness in the criminal justice system; ensure access to the criminal justice system; promote professional relations with judges and attorneys; and further the efficient use of criminal justice resources.

BUDGET OVERVIEW

The total recommended FY07 Operating Budget for the Office of the State's Attorney is \$11,091,760, an increase of \$793,910 or 7.7 percent from the FY06 Approved Budget of \$10,297,850. Personnel Costs comprise 95.5 percent of the budget for 103 full-time positions and ten part-time positions for 113.4 workyears. Operating Expenses account for the remaining 4.5 percent of the FY07 budget.

The Office has six Community Prosecution teams assigned geographically to the six police districts. Each team exclusively prosecutes the crime which happens in its respective police district. Prosecutors are assigned to neighborhoods, schools, civic groups, and faith-based organizations to promote better communication between the Office and communities. This increased interaction will allow prosecutors to be problem solvers, not just case processors.

HIGHLIGHTS

- ❖ **Enhanced the Juvenile Court Team by adding one attorney and one legal assistant to address the increase in the Juvenile Team caseload as a result of a new Circuit Court Juvenile Division Judge.**
- ❖ **Enhanced the Administration Team by adding one IJIS Case Management System Administrator.**
- ❖ **Productivity Enhancements**

-The State's Attorney's Office continued the use of volunteers in FY06 through their Volunteer Program. These volunteers are comprised of law and undergraduate students. Since FY05, a total of 16.6 workyears accounted for volunteer work.

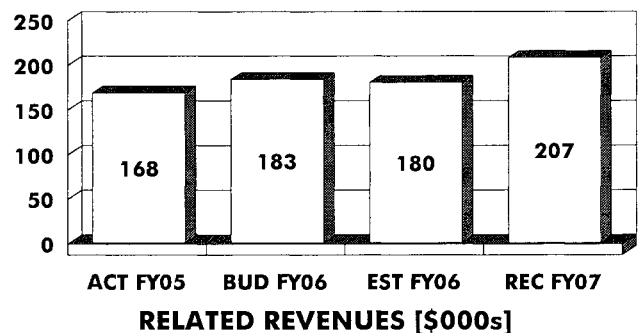
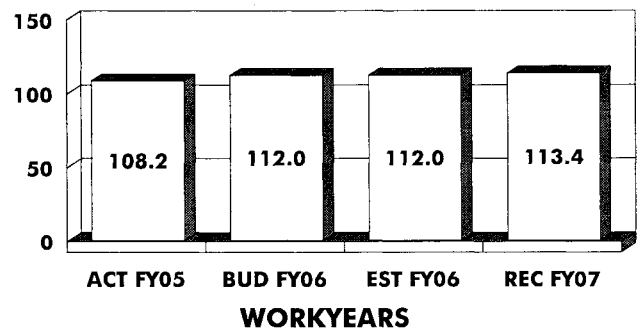
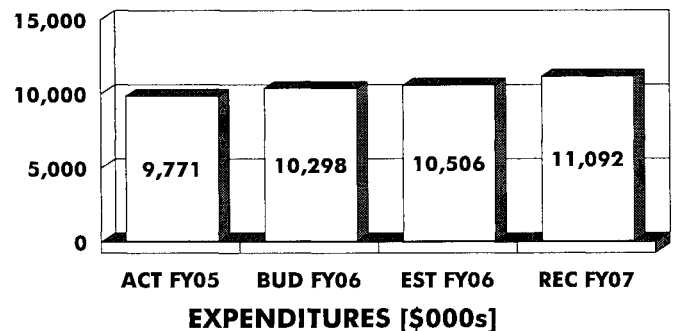
-Enhanced the Juvenile Court Team by filling the position allocated in the FY06 budget to address the increase in workload cases from 2001 to 2004.

-Enhance research capabilities by increasing operating funds to support a contract for Westlaw

Program Summary

	Expenditures	WYs
Circuit Court Prosecution	5,335,340	44.4
District Court Prosecution	2,184,340	31.3
District Court Screening	265,110	3.5
Juvenile Court Prosecution	1,059,650	12.0
Pre-Trial Mediation	101,180	2.0
Victim/Witness Court Assistance	203,850	3.0
Major Fraud and Special Investigations	456,480	5.0
Prosecution Management	777,670	7.2
Administration	708,140	5.0
Totals	11,091,760	113.4

Trends



PROGRAM CONTACTS

Contact David Baker of the Office of the State's Attorney at 240.777.7318 or Christopher M. Mullin of the Office of Management and Budget at 240.777.2772 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Circuit Court Prosecution

The Circuit Court Prosecution program reviews cases for possible filing in the Circuit Court by presenting these cases to the Grand Jury for indictment or filing a State's Attorney's information and litigates these cases to disposition. Senior Assistant State's Attorneys provide support and guidance to ongoing police investigations and conduct Grand Jury investigations of major felony, drug distribution, property forfeiture, and environmental cases. The Family Violence Unit prosecutes crimes of domestic violence, child abuse, and elder abuse. Prosecutors in this unit have specialized training to attack these difficult and often devastating crimes. Each Community Prosecution Team has been assigned a prosecutor from the Family Violence Unit to specifically handle the family violence cases occurring within its assigned police district. In addition, appeals and demands for jury trials in District Court cases are litigated in the Circuit Court.

FY07 Recommended Changes

	Expenditures	WYs
FY06 Approved	4,978,840	44.4
FY07 CE Recommended	5,335,340	44.4

District Court Prosecution

The District Court Prosecution program prosecutes criminal cases including misdemeanor arrests, citizen complaints, and serious or incarcerable traffic offenses. The State's Attorney's Office has also implemented a Domestic Violence docket in District Court to ensure that assault cases of a domestic nature and violations of protective orders are given special attention.

FY07 Recommended Changes

	Expenditures	WYs
FY06 Approved	2,180,000	32.3
FY07 CE Recommended	2,184,340	31.3

District Court Screening

The District Court Screening program resolves as many cases as possible before the trial date by contacting victims and witnesses to determine what outcome they would like to obtain from the criminal justice system. This program relies on volunteers and is supervised by permanent staff. It provides victim/witness assistance by delivering information about the criminal justice system to victims and witnesses whose cases are expected to go to trial and an on-call service, when possible, to reduce the inconvenience experienced by victims and witnesses.

FY07 Recommended Changes

	Expenditures	WYs
FY06 Approved	226,130	3.5
FY07 CE Recommended	265,110	3.5

Juvenile Court Prosecution

The Juvenile Court Prosecution program prosecutes criminal violations committed by juvenile offenders in Montgomery County and performs a preliminary review of all cases in which a juvenile is charged with a crime of violence. This includes cases which have been reviewed by the Juvenile Services Administration and then referred to the Office of the State's Attorney. In such cases, formal charges are filed where appropriate and litigated to disposition in the Juvenile Court, attempting to obtain restitution for victims when possible. This program also provides administrative support to Teen Court, a Countywide peer adjudication initiative for non-violent juvenile offenses.

FY07 Recommended Changes

- Enhanced the Juvenile Court Team by adding one attorney for a total of nine and one legal assistant for a total of two to address the increase in the Juvenile Team caseload as a result of a new Circuit Court Juvenile Division Judge.

	Expenditures	WYs
FY06 Approved	839,480	9.8
FY07 CE Recommended	1,059,650	12.0

Pre-Trial Mediation

The Pre-Trial Mediation program is designed to resolve non-violent disputes between individuals which might enter the judicial system as criminal cases, or civil claims, or even escalate to violence if not otherwise resolved. Trained volunteers, working in conjunction with a mediation specialist, mediate various issues involved in disputes allowing the parties to reduce to writing an agreement by which all sides will abide. The Bad Check Mediation Program gives merchants and receivers of checks a means for recovering their losses for bad checks passed for goods or services. In appropriate circumstances, criminal charges are filed when funds are not recovered through the mediation. The Rental Return and Restitution Program is an effort to assist the business community. This program provides merchants with a quick and effective way to recover their rental property and fees.

FY07 Recommended Changes

	Expenditures	WYs
FY06 Approved	115,580	2.0
FY07 CE Recommended	101,180	2.0

Victim/Witness Court Assistance

This program assists victims in criminal cases that have been designated as "victim-intensive" by virtue of the vulnerability of the victim or the type of crime. Victims receive direct court assistance from a Victim/Witness Coordinator. The Coordinator guides the victim through the judicial process, provides assistance where necessary, and makes referrals to other County

agencies as needed. In all other cases, Assistant State's Attorneys provide information and assistance to victims and witnesses. This program is staffed with permanent and volunteer personnel.

FY07 Recommended Changes

	Expenditures	WYs
FY06 Approved	188,940	3.0
FY07 CE Recommended	203,850	3.0

Major Fraud and Special Investigations

The Major Fraud and Special Investigations program investigates allegations of major fraud such as thefts by attorneys from their clients, complex financial crimes, and other serious criminal cases for which the Police Department is unable to provide investigative resources.

FY07 Recommended Changes

	Expenditures	WYs
FY06 Approved	420,920	5.0
FY07 CE Recommended	456,480	5.0

Prosecution Management

Prosecution Management staff coordinate case loads; schedule docket assignments; receive visitors; direct phone calls; and enter and audit data in the Criminal Justice Information System (CJIS) for the Circuit, District, and Juvenile Courts.

FY07 Recommended Changes

- ☐ *Enhanced the Prosecution Management Team by adding one IJIS Case Management System Administrator.*

	Expenditures	WYs
FY06 Approved	682,460	7.0
FY07 CE Recommended	777,670	7.2

Administration

Staff provide central services in areas of budget, personnel, automated systems management, general office management, and public information. In addition, staff coordinate efforts and initiatives with other criminal justice agencies.

FY07 Recommended Changes

	Expenditures	WYs
FY06 Approved	665,500	5.0
FY07 CE Recommended	708,140	5.0

BUDGET SUMMARY

	Actual FY05	Budget FY06	Estimated FY06	Recommended FY07	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	7,268,393	7,640,110	7,707,870	8,096,450	6.0%
Employee Benefits	1,847,689	2,038,410	2,105,570	2,316,480	13.6%
County General Fund Personnel Costs	9,116,082	9,678,520	9,813,440	10,412,930	7.6%
Operating Expenses	513,461	471,790	545,210	504,050	6.8%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	9,629,543	10,150,310	10,358,650	10,916,980	7.6%
PERSONNEL					
Full-Time	96	98	98	101	3.1%
Part-Time	9	10	10	10	—
Workyears	106.2	110.0	110.0	111.4	1.3%
REVENUES					
Discovery Materials	0	15,000	16,000	16,000	6.7%
Bad Check Mediation Fee	10,795	15,000	10,000	10,000	-33.3%
Miscellaneous	13,235	0	0	0	—
Rental Return Restitution Fee	2,570	3,000	3,000	3,000	—
Teen Court Fees	3,030	2,500	3,000	3,500	40.0%
County General Fund Revenues	29,630	35,500	32,000	32,500	-8.5%
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	115,182	122,770	122,770	144,210	17.5%
Employee Benefits	26,585	24,770	24,770	30,570	23.4%
Grant Fund MCG Personnel Costs	141,767	147,540	147,540	174,780	18.5%
Operating Expenses	0	0	0	0	—
Capital Outlay	0	0	0	0	—
Grant Fund MCG Expenditures	141,767	147,540	147,540	174,780	18.5%
PERSONNEL					
Full-Time	2	2	2	2	—
Part-Time	0	0	0	0	—
Workyears	2.0	2.0	2.0	2.0	—
REVENUES					
Community Prosecution	62,348	72,540	72,540	78,300	7.9%
STOP Grant for Domestic Violence	75,968	75,000	75,000	96,480	28.6%
Grant Fund MCG Revenues	138,316	147,540	147,540	174,780	18.5%
DEPARTMENT TOTALS					
Total Expenditures	9,771,310	10,297,850	10,506,190	11,091,760	7.7%
Total Full-Time Positions	98	100	100	103	3.0%
Total Part-Time Positions	9	10	10	10	—
Total Workyears	108.2	112.0	112.0	113.4	1.3%
Total Revenues	167,946	183,040	179,540	207,280	13.2%

FY07 RECOMMENDED CHANGES

	Expenditures	WYs
COUNTY GENERAL FUND		
FY06 ORIGINAL APPROPRIATION	10,150,310	110.0
<u>Changes (with service impacts)</u>		
Enhance: Assistant State's Attorney for the Juvenile Court Team [Juvenile Court Prosecution]	40,000	0.5
Enhance: Legal Assistant for the Juvenile Court Team [Juvenile Court Prosecution]	32,190	0.5
Enhance: IJIS Case Management System Administrator [Prosecution Management]	25,450	0.2
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: FY07 Compensation	410,900	0.0
Increase Cost: Annualization of FY06 Personnel Costs	97,620	0.0
Increase Cost: Group Insurance Adjustment	65,350	0.0
Increase Cost: Retirement Adjustment	52,310	0.0
Increase Cost: Westlaw Online Subscription - Operating Expenses [Prosecution Management]	23,970	0.0
Increase Cost: Annualization of FY06 Lapsed Positions [Juvenile Court Prosecution]	14,850	0.2
Increase Cost: Motor Pool Rate Adjustment	4,850	0.0
Increase Cost: Printing and Mail Charges [Prosecution Management]	2,270	0.0
Increase Cost: Records Management [Administration]	2,200	0.0
Decrease Cost: Elimination of One-Time Items Approved in FY06 [Administration]	-5,290	0.0
FY07 RECOMMENDED:	10,916,980	111.4
GRANT FUND MCG		
FY06 ORIGINAL APPROPRIATION	147,540	2.0
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: Annualization of FY06 Personnel Costs	27,240	0.0
FY07 RECOMMENDED:	174,780	2.0

FUTURE FISCAL IMPACTS

Title	CE REC. FY07	FY08	FY09	(\$000's) FY10	FY11	FY12
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY07 Recommended	10,917	10,917	10,917	10,917	10,917	10,917
No inflation or compensation change is included in outyear projections.						
Annualization of Positions Recommended in FY07	0	115	115	115	115	115
Three new positions in the FY07 budget are recommended, two at .5 workyears and one at .2 workyears. Therefore, the above amounts reflect annualization of these positions in the outyears.						
Elimination of One-Time Items Recommended in FY07	0	-4	-4	-4	-4	-4
Items recommended for one-time funding in FY07, including two computers, will be eliminated from the base in the outyears.						
Labor Contracts	0	165	165	165	165	165
These figures represent the annualization of FY07 increments, general wage adjustments, and associated benefits.						
Subtotal Expenditures	10,917	11,193	11,193	11,193	11,193	11,193